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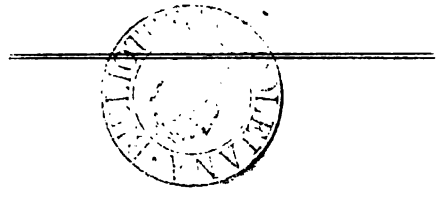

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THIS

COLLECTION OF CHARTERS,

GRANTED BY HIS ANCESTORS,

EARLS OF GLENCAIRN,

Is, by Special Permission, Humbly Inscribed

TO

Sir William Montgomerie Cunninghame, Bart., M.P.

INTRODUCTION.

KILMAURS CHURCH.

THE name of the Burgh and Parish is derived from the Patron Saint of the ancient hamlet church, probably Saint Maure. The oldest spellings brought under our notice are "Kilmawaris," "Kilmawres," "Kilmauris," and "Kilmares." According to Chambers's *Caledonia*, the Church was granted to the monks of Kelso about 1200, with half a caracute of land, and continued in their possession till the time of the Reformation, when the endowments were appropriated by the Glencairn family. After the abolition of Episcopacy the Earl of Eglinton became Patron. Though much altered to suit circumstances, the Church still retains many proofs of its ancient architect. Paterson, apparently quoting from charter of foundation examined by him, fixes date 13th May, 1413. In shape it is cruciform, with walls thick and strong. The eastern limb, used as the place of sepulture of the Glencairns, has been at some period detached from the main building. In it is to be found a very fine specimen of mural architecture, recently restored, erected in 1600 by James, 7th Earl of Glencairn, to perpetuate "his race and name," as the almost obliterated inscription informs us. None of the tombstones in the churchyard are of great antiquity, but several specimens of the "mortsafe" may be seen, still in their original positions. The first secession from the Church of Scotland took place here in 1712, in consequence of the ill-treatment, by the Patron, of the then incumbent, the Rev. Hugh Thomson, to whose memory a tablet is erected within the walls. The parish records begin in 1698, but are very irregular and incomplete.

FAMILY.

Who the original feudal lords were, is a question almost pre-historic and conjectural. It is probable that the Cunninghame family was dispossessed by Edward I., as we find Robert I., about 1320, granting under the great seal, "the lands of Lambrachton and Grugere to Robertus De Conyngham, formerly possessed by Allan La Suche and William De Ferreres." There is evidence, however, that an older branch of the family had long been located in Roxburghshire. From contemporary records we find that the family was of great note among the ancient nobility, and by marriage and crown grants became possessed of valuable lands in Cunninghame, Renfrew, Dumbarton, and Dumfries. The cadets of the house were also numerous and powerful. In 1488 it was raised to the peerage, under the title of Earls of Glencairn. Its genealogical table contains many names eminent in Scottish history, chief of whom are: Alexander, 5th Earl, the bosom friend of Knox; William, 9th Earl, Chancellor of Scotland; and James, 14th Earl, eulogised by Burns. In 1796 the male line became extinct; and though the question was raised in the House of Lords in 1797, the title has ever since remained dormant.

No remains of the ancient seat of the family now exist, though tradition points to the farm of Jocksthorn, on Tour estate. Pont, about 1600, describes it as "ane ancient stronge bulding, environed with a faire park called Carmel Wod, from the vatter of Carmel that runs by it." Part of the edifice, known as "The Place," is evidently of very ancient origin, and answers to Pont's topography. The remains also of an old keep may be seen in an orchard adjoining the church. The land is now for the most part possessed by the Earl of Eglinton and Duke of Portland.

BURGH.

As appears from the Charter submitted, Kilmaurs was erected into a Burgh of Barony by Cuthbert, 3rd Earl, in 1527. The grant consisted of 6 acres to each of 40 tenementers, though it will be observed only 38 appear in the original deed. The peculiar privileges granted, and restrictions enjoined, will be best understood by a reference to the Charter itself. Previous to this date,

and for some time subsequent, the artificers of the village were famed for their superior cutlery, one or two specimens of which are still to be seen in the village, and which evince a high perfection in the art. The planting of the manufacture was undoubtedly under the fostering care of the feudal chief. The reasons for its decay are various. It is very probable that the isolated producers of Kilmaurs were driven out of the market by the cheaper Sheffield goods, and betook themselves to the cultivation of their small freeholds. Pont describes the village as "large, seatted in a good soyle, and verey populous." In the eighteenth century it was famed for its "kail plants," but that industry has long been completely abandoned. Weaving, shoemaking, and bonnet-making are now the staple industries.

The number of the tenementers, by disruption and absorption, has dwindled down to ten. The Council still meets once a year, and appoints Bailies and other officers, whose principal duties are the administration of certain trusts for behoof of the Burgh. The revenue is inconsiderable, chiefly derived from feus and petty customs.

The Council House is a small building with a neat spire, inconveniently placed in the centre of the main thoroughfare. At the door hangs a well preserved specimen of the ancient "jougs." Population in 1871, 1145.

PARISH.

Is bounded on the west and north by Dreghorn, on the east by Kilmarnock, and on the south by Dundonald. Its length, from north-east to south-west, is 6¾ miles, its greatest breadth 2½, and acreage 4,400. Dairy, husbandry, and coal and ironstone mining are the chief industries of its inhabitants. Population in 1871, 3,449.

Near the centre of the parish stands Busbie Castle, the ancient residence of the Mowats, a family of whom little is known. Several tumuli have been examined, and one almost undisturbed may be seen on the farm of Greenhill.

A more extended account of the Burgh and Parish may form the subject of a future work.

I. Charter of King James V.

JACOBUS, Dei Gracia Rex Scotorum, Omnibus probis hominibus Totius terre sue, Clericis et Laicis, salutem: Sciatis, Quia pro speciali fauore quem gerimus erga dilectum consanguineum et consiliarium nostrum Cuthbertum, comitem de glencarne, dominum kilmawaris, Ac pro edificationibus que policia in villa de kilmawaris fiendi, pro asiamento que hospitatione nostrorum Ligeorum ad eandem confluentium, fecimus et creauimus, ac tenore presentis carte nostre facimus et creamus, prefatas terras que villam de kilmawaris, cum pertinentibus, Jacentes infra vicecomitatum nostrum de Are, in Liberum burgum in baronia imperpetuum, Ac dicti burgi inhabitatoribus presentibus et affuturis plenariam potestatem et Liberam facultatem concessimus, et per presentes concedimus, emendi et vendendi in eodem vinum, ceram, pannum, Laneum, que Lineum Largum que strictum, et alia mercimonia quecunque; Cum potestate que facultate habendi que tenendi in huiusmodi burgo pistores, brasiatores, Carnifices, piscium et carnium venditores, et alios artifices quoscunque ad libertatem burgi in baronia spectantes: Concessimus etiam, que tenore presentium concedimus, quod liberi sint burgenses in prefato burgo, Et quod iidem, omni tempore affuturo, potestatem habeant annuatim eligendi Balliuos, et ceteros officiarios necessarios quoscunque, pro dicti burgi regimine que gubernatione; Cum potestate burgensibus et inhabitatoribus dicti burgi habendi et tenendi in eodem Imperpetuum crucem feralem ebdomadatim die veneris, liberas nundinas annuatim que in die sanctorum Symonis et Jude, et per octauas eiusdem, cum teloneis et libertatibus ad Liberas nundinas spectantibus, seu quouismodo in futurum spectare valentibus; Cum potestate et Licencia prefato consanguineo nostro, et heredibus suis, assedandi prefatas terras, in toto vel parte, in particatis burgalibus hereditaris, pro reparatione que edificatione super eisdem fiendi: tenendas et habendas prefatas terras et villam de kilmawaris, cum pertinentibus, in Liberum burgum in baronia omni tempore affuturo, Cum priuilegiis, Libertatibus et concessionibus, superius expressatis, Ac cum omnibus alijs libertatibus, commoditatibus, asiamentis, ac Justis pertinentibus quibuscunque, ad liberum burgum in baronia spectantibus, seu Juste spectare

valen*tibus*, Et adeo libero sicut aliquis burgus in baronia per nos aut no*st*ros predecessores no*st*ru*m* infra regnu*m* infeodatus est, Sine aliqua reuocatio*ne*, obstaculo, contradictione, aut Jmpedime*n*to quocu*nque*. In cui*us* rei Testimoniu*m* huic p*rese*nti carte no*st*re magnu*m* sigillu*m* no*st*ru*m* apponi p*rae*cepimus: TESTIBUS, Reue*r*endissimis reue*r*endisq*ue* in *Christo* patribus, Jacobo sanctiandr*ee* archie*pisco*po, gawino archie*pisco*po glasguen*si*, Georgio E*pisco*po Dunkelden*si*, gawino E*pisco*po abirdonen*si*, nostrorum rotulorum regi*st*ri q*ue* co*n*silii cl*eri*co; henrico E*pisco*po candidecase, no*st*req*ue* capelle regie Striuelingen*sis*; Dilectis consanguineis no*st*ris, Archibaldo comite angusie, d*omi*no dowglas; Jacobo comite Aranie, d*omi*no Ha*m*miltoun; Colino comite de Ergyle, d*omi*no campbell q*ue* lorne; Venerabilibus in *Christo* patribus, patricio, priore eccle*si*e metropolitane sanctiandr*ee*; Will*iel*mo, abbate mo*na*sterii no*st*ri sancte Crucis prope Edinburgh; Dilectis familiaribus no*st*ris, Archibaldo Dowglas, p*rae*posito de Edinburgh, Thesaurario no*st*ro; Jacobo Coluile de Vchiltre, nostrorum compotorum rotulatore, q*ue* no*st*re Cancellarie directore; q*ue* mag*ist*ro thoma erskin de Haltoun, Secretario no*st*ro. Apud Edinburgh, Secundo Die me*nsis* Junij, Anno D*omi*ni millesimo qui*n*gentesimo vicesimoseptimo, Et Regnj no*st*ri Decimoquarto.

Proclamatio pr*im*a Apud Jrvin. Testibus,* Jacobus boyd, Jho*ann*es houstou*n* senior, Jho*ann*es Kyll, Willelmus mu*ir*, Jho*ann*es blak de souththwik, xxij° me*nsis* Junij.

Proclamatio sec*unda* Apud Ayr. Testibus, leonard*us* clark, thomas myl, Joha*n*nes M°Cormek, Johannes cun*yngham*, Joha*n*nes Kennidy, Ar*chibald*us clark *et* multi Alïis, ultim*o* Junij.†

II.—CHARTER OF CUTHBERT, AND WILLIAM LORD KILMAURS.

OMNIBUS HANC CHARTAM Visuris vel audituris Cuthbertus cunynghame, comes de glencarne, ac d*omin*us liberi tenemen*ti* de kilmauris *et ceteris* Et Willelmus cunynghame, miles, noster filius et heres eiusd*em*, ac dominus feodi, et proprietarius earund*em* terrarum Noueritis nos vnanimi conseusu et assensu dedisse, concessisse, et ad feodifirmam in libero burgagio dimisisse et confirmasse, Necnon per presentes dare, concedere, et ad feodifirmam in libero burgagio dimittere ac confirmare,

* The names of the witnesses to the first proclamation are in a different hand from that in which the names of the witnesses to the second are written.

† To this charter the tag remains, but the seal which has been attached to it is now gone.

dilectis nostris, Roberto cunynghame de akcat, Alexandro langmur, domino Roberto adamsone, Alexandro cunynghame, patricio Wile, thome goddy, Johannj boyd, Archibaldo cumyne, Johannj Walcare, thome boyd lathomo, Rankano broun, Magistro Roberto hommyltoun, Margarete crag, Thome tod, Alano marchand, Johannj marchand, Stephano harpar, d*omi*no Johannj houe, d*omi*no Will*el*mo gluuer, d*omi*no roberto berclaye, andree Jhonsoun, Johannj or, Roberto cunynghame, Will*el*mo harpar, Jacobo or, ade cumyne, thome hommyll, thome boyd, Eduardo Smyt*h*, Roberto spere, Roberto loudoun, Johannj beggart, andree loudoun, patricio douok, Johannj blak, Roberto petcon, * * hugonj Nicholl, Jacobo murdoch ‡ * * * * * et ipsorum cuilibet pro parte sua ut inferius specificatur, Totas et integras quinq*ue* libratas terrarum antiqui extentus ville et territorij de kilmauris, cum pertinen*tibus*, extenden*tes* et metan*tes* cum terris de schau et neulandis in parte orientali, ab vna, terris de busby ab occidentali, terris de langmur et quhitrig in boreali, et terris p*res*bi*t*ralibus in australi, partibus, ab altera, Jacentes in balliata de cunynghame et infra vicecomitatum de Air, per supremu*m* dominu*m* nostrum regem in liberu*m* burgu*m* in baronia ad nostras instantias nuper erectas et creatas, prout in charta sua sub suo magno Sigillo nobis desuper confect*a* plenius continetur, vi*delicet*, vnicuiq*ue* ipsorum, et heredibus suis, quadragesimam partem earu*ndem* terrar*um*, inter ip*s*os equaliter diuiden*dam*, pro edificijs et policia per jpsos et heredes suos in dicto burgo fien*di* et obseruan*di*: TENENDAS ET HABENDAS totas et integras predictas quinq*ue* libratas terrarum ville de kilmauris antiqui extentus, cum pertinen*tibus*, prefatis personis superius no*min*atis, et heredibus suis, ut premittitur, de nobis et successoribus nostris, comitibus de glencarne, ac dominis baronibus de kilmauris, in feodifirma et hereditate, ac libero burgagio in baronia, Jmperpetuu*m*; Per omnes Rectas metas suas antiquas *et* diuisas, prout Jacent, in longitudine et latitudine, in boscis, planis, moris, merresijs, vijs, semitis, aquis, stagnis, Riuolis, pratis, pascuis et pasturis, aucupationibus, venationibus, piscationibus, petarijs, turbarijs, carbonibus, carbonariis, glebis, glebarijs, hortis, pomis, pomeriis, domibus et edificiis, vstrinis, pistrinis, cuniculis, cunicularijs, columbis, columbarijs, lapicidijs, lapide et calce fabrilibus, brasinis, bruerijs, et genestis, siluis, nemorib*us* et virgultis, montibus et planis, terra arabili et non arabili, Cum curijs, et ear*um* exitibus, am*er*ciamentis et eschaetis earund*em*, ac cum com*muni* pastura, et libero introitu et exitu, cum molendinis, multuris, et ear*um* sequelis, Ac cum omnibus aliis et singulis libertatibus, comoditatibus, profituis et asiamentis, ac Justis suis pertinen*tibus* quibuscumq*ue*, tam non no*min*atis q*uam* nominatis, tam subtus terra q*uam* supra terram, p*ro*cul *et* p*ro*pe, ad predictas terras, cum pertinen*tibus*, spectan*tibus*, seu juste spectare valen*tibus* quomodlibet in futurum; et adeo libere, quiete, plenarie, honorifice,

‡ after this name, "Willelmum or" has been afterwards added in another hand. The blanks are in the original.

bene et in pace, in omnibus et per omnia, sicut alique terre infra regnum scotie in liberum burgagium in baronia dantur, seu concedantur, dare seu concedi poterunt in futurum. Preterea nos, Cuthbertus comes et Willelmus dominus feodi antedicti, pro nobis, heredibus nostris et successoribus, exoneramus, annullamus, inhibemus, et tenore presentium declamamus, omnino, vsum et extractum emendi, vendendi, brasiandi, seu brasium faciendi, et cuiuslibet artis alterius artificialis videlicet, sutorum, scissorum, fullonum, pellariorum, carpentariorum et lanistarum, exercendi seu occupandi infra nostram baroniam de kilmauris, preterquam in dicto nostro burgo in baronia, Et intra libertatem eiusdem, videlicet, infra limites dictarum quinque libratarum terrarum suprascriptarum: INSUPER omnia et singula bona venalia seu vendenda, videlicet, farrina, ordium, brasium, frumentum, linum, lana, oues, boues, equi, carnes, pisces et quecumque alie mercantie in dicta nostra baronia, omnibus temporibus affuturis, primo presentabuntur foro communi in dicto nostro burgo in baronia antedicta; Et si contingat inhabitatores dicte nostre baronie de kilmauris seu eorum aliquem deuenire in contrarium premissorum, in toto vel in parte, videlicet, vendendo, emendo, seu quamcunque artem vel exercitium artificiale, vt supra prohibitum, extra libertatem dicti burgi nostri exercendo, tunc licebit Comburgensibus suprascriptis, et eorum successoribus, ad requirendum officiarium dicte nostre baronie de kilmauris ad namandum et distringendum quemcunque transgressorem seu transgressores, et eorum bona, pro summa sex solidorum et octo denariorum, nomine pene primo, secundo, tertio, et si sic ter districti non desistant, ad confiscandum et eschaetandum omnia bona ipsorum transgredientium; et si officiarius dicte nostre baronie premissa facere recusauerit, volumus pro nobis, et successoribus nostris, quod officiarius dicti burgi nostri in baronia plenariam potestatem habeat in premissis; Ac etiam tenore presentium firmiter obligamus nos, heredes nostros et successores, ad fortificandum, supplendum, manutenendum et defendendum, dictos comburgenses, heredes suos et successores, Juraque et libertates dicti burgi nostri in baronia, in premissis, Ac in omnibus suis actionibus et causis iustis, licitis et honestis, Contra quoscumque, et coram quibuscumque motis seu mouendis; Volumus tamen pro nobis et successoribus nostris, quod nullus burgensis dicti nostri burgi habeat seu possideat plura quam duo tenementa in eodem tantum; Et quod nullus dictus burgensis habitare seu residere presumat extra libertatem dicti burgi; Et quod nulla mulier, succedens hereditarie in dicto nostro burgo, contrahet matrimonium cum quocumque absque nostra licentia specialj. REDDENDO Inde annuatim prefate persone superius nominate, et heredes sui, burgenses, et inhabitantes dictum burgum nostrum de kilmauris, octuaginta marcas vsualis monete regni scotie, videlicet, quilibet ipsorum et heredes sui summam duarum marcarum monete antedicte, pro sua quadragesima parte earundem terrarum, ad duos anni terminos consuetos, festa penthecostes et sancti martinj in yeme, per equales portiones, nomine annualis redditus feodifirme

tantum, Et prebendarijs nostre eccl*es*ie collegiate de kilmauris multuras debitas et consuetas ad eorum molendinum, secund*um* formam charte mortificationis et fundationis eorund*em* prebendariorum; heredes tamen, et successores dictorum burgen*sium* dicti nostri burgi duplicabunt feodifirma*m* predicta*m*, pro suo primo introitu tantum, Soluen*do* nobis et successoribus nostris duas marcas vsualis monete, pro qualibet quadragesima parte terrarum antedictaru*m*, pro duplicatione feodifirme, in primo Introitu dictorum heredu*m* tantum, pro omni alio onere, exactione, questione, seruitio seculari, seu demanda, que de dictis terris, aut burgo nostro, cum suis pertinen*tibus*, per quoscunq*ue* Juste exigi poterunt, in futurum, seu requirj; Et si contingat dictos burgenses, heredes suos vel successores, molestari, vexari, seu turbari, contra tenorem p*rese*ntiu*m*, sic q*uod* non possunt pacifice possidere dictas terras, et predictum burgum inhabitare, cum preuilegijs, juribus et pertinen*tibus* suprascriptis, in hoc casu obligamus nos, heredes nostros et successores, per presentes, ad exonerandum et quietclamand*um* dictos burgenses et eorum heredes, de decim libris annuatim annualis redditus feodifirme suprascript*e*, annuatim, et quolibet anno q*uam*diu contigerit dictos burgenses, vel eorum heredes, molestari, vexari, seu turbari, ut premittitur. ET NOS vero, dictus Cuthbertus, comes antedictus, et Will*el*mus cunynghame, noster filius et heres, Ac d*omin*us feodi antedict*i*, totas et integras prefatas quinq*ue* libratas terraru*m* burgi nostri de kilmauris, cum suis pertinen*tibus*, antedictis personis superius expressat*is*, et heredibus et successoribus suis, in libero burgagio in baronia, pro nobis et successoribus nostris, dominis ac baronibus de kilmauris, varantizabimus, acquietabimus, et presentis charte tenore Imperpetuum defendemus. IN CUIUS REI testimoniu*m*, Sigilla nostra huic presenti charte nostre sunt appensa, vnacu*m* nostris subscriptionibus mannalibus, apud glasgow,* die xv^to^ mensis Nouembris, Anno d*omi*ni millesimo quingentesimo vigesimoseptimo. CORAM his testibus, vi*delicet*, Magistro Cristofero boyd, vicario de dalry; Alexandro hammyltoun, Jacobo cunynghame, Willelmo calduell, Patricio mowat, d*omi*nis; Alano knox et Jacobo craufurd, notarijs publicis; cum diuersis alijs.

Erle of Glencaı n.
Wylzeim mast*er* of gle*n*
Carn.†

* "glasgow" is written in a different hand from that of the rest of the charter.

† Neither the tags nor the seals now remain.

III.—Sasine by Cuthbert, and William Lord Kilmaurs.

CUTHBERTUS, Comes de glencarne, ac d*omin*us de Kilmawr*is et ceteris*, et Will*ellim*us cuny*n*ghame, miles, noster filius et heres apparens, ac d*omin*us feodi eiusd*em*, dilectis no*st*ris Weilellimo langm*ur*,* Robarto millar, alano m*er*chand, Joha*n*nj blak, * * * * balliuis no*st*ris in hac p*ar*te co*n*iu*n*ctim et diuisim spe*ci*alit*er* constitut*is*, salu*t*em: Quia dedim*us* et co*n*cessim*us* in feodifirma hono*r*abilib*us* p*er*sonis, vi*delicet*, roberto cuny*n*ghame de ackat, alex*and*ro langmur, d*omi*no Roberto ada*m*son, Alexandro Cuny*n*ghame, pat*ri*cio Wily, thome goddy, Joha*n*nj boyd, Archi*bal*do cumy*n*g, Joha*n*nj Walcar, thome boyd latimo, Rankano broun, * * m*ar*ga*r*te crag, thome tod, alano m*er*chand, stephano harp*er*, d*omi*no Johan*n*j howy, d*omi*no Wilelmo gluwer, d*omi*no rob*er*to berclay, Andree Johnstoun, Joha*n*nj hore, roberto cuny*n*ghame, Wil*el*imo harp*er*, Jacobo hore, Ade cumy*n*, thome ho*m*myll, thome boyd, edwardo smyth, roberto speir, rob*er*to lowdou*n*, Joha*n*nj biggart, Andree lowdou*n*, pat*ri*cio dowok, Joha*n*nj blak, roberto petcon, Johannj armour,* hugonj nicholl, Jacobo murdoch, *Willimo horr * * et ip*s*orum cuilibet p*ro* p*ar*te sua, vt inferius specificatur, Totas et Integras quinq*ue* libratas t*er*rarum antiquj extent*us* ville et t*er*ritorij de Kylmawr*is*, cu*m* p*er*tinen*tibus*, jacen*tes* infra balli*am* de cuny*n*ghame et vice*comita*tum de Are, vi*delicet*, vnicuiq*ue* ip*s*or*um* et heredib*us* suis quadragesima*m* p*ar*tem ear*un*dem t*er*rar*um* int*er* ip*s*os equalit*er* diuiden*dam*, p*ro* e̥dificijs et policia, p*er* ip*s*os *et* heredes suos in d*ic*to burgo fien*di* et obs*er*uan*di*, p*r*out in magna carta no*st*ra eijs desup*er* co*n*fecta pleni*us* co*n*tinetur: Vobis Igitur *et* ve*st*rum cuilibet p*r*ae*c*ipim*us* et ma*n*dam*us* q*ui*bus tum p*ri*mo p*r*efat*is* p*er*sonis sup*er*ius nomi*n*at*is*, de totis *et* jntegris p*r*edict*is* quin*que* librat*is* t*er*rarum burgi et t*er*ritorij ville de Kilmawr*is* statu*m* *et* sasina*m* hereditaria*m*, Necno*n* reale*m* actuale*m* possessione*m* p*er* traditione*m* t*er*re *et* lapid*is*, vt mor*is* est, vel eor*um* c*er*tis p*r*ocuratoribus aut actornat*is* latori p*r*es*en*tium tradat*is*, seu alt*er* ve*st*rum tradat, Tum se*cun*do du*m*modo d*ic*te t*er*re fuerint diuise equalit*er* int*er* p*r*escript*os* p*er*sonas, mandam*us* vobis *et* p*r*ae*c*ipim*us* q*ui*bus vnicuiq*ue* ip*s*or*um* de sua quadragesima p*ar*te statu*m* *et* sasina*m* hereditaria*m*, Necno*n* reale*m* actuale*m* *et* corpo*r*ale*m* possessione*m*, vt sup*r*a, p*er* traditione*m* t*er*re *et* lapid*is*, vt mor*is* est, tradit*is*, seu alt*er* ve*st*rum tradat judicate; Et hoc secund*um* tenore*m* carte no*st*re eijs desup*er* co*n*fect*is* et conficie*ndis* deliberat*is*: Ad quod faciend*um*, vobis *et*

* "Weilellmo langmur," "Johannj armour" and "Willimo horr" are in an old, but apparently different, hand.

vestrum cuilibet coniunctim et diuisim nostram plenariam ac jreuocabilem tenore presentium committimus potestatem. In Cuius Rej testimonium Sigilla nostra presentibus sunt appensa, vnacum nostris subscriptionibus manualibus. Apud * glasgow decimo quinto die mensis Nouembris, Anno Domini millesimo quingentesimo vigesimoseptimo.

Erl of Glencarne.
Wylzem master of glencarn. †

IV.—Charter of James.

Be It Kend Till all men be thir present lettres, We, James, erle of glencarne, lord Kilmawris, &c., ffor ye Speciall Luife and favour quhilk we haif and beare towardis our louit seruitouris, The present baillzeis of our burche of our said barronie off kilmawris, ye Remanent Comburgessis and heretouris yairof; And hawinge respect to ye guyde and lowable fundatioun and Erectioun of our Said burche, maid be our soueraine lordis derrest guidschir, James ye fyft of yat name, Kinge and prince off scotlande of maist renowne, of ye dait at edinburche ye secund day of Junij, The Zeir of god iaj v^{o} twentie Sevin zeiris, and of his hienes regnne ye fourtene zeir; And also to ye heretable infeftment of feuforme of our foirsaid burche maid, gevin and grantit, vpon the said fundatioun and erectioun yairof, Be ye vmquhill mychtie and potent lordis, Cuthbert, erle of glencarne, lord lyfrenter of our said barronie, with consent and of williame, yanne maister of glencarne, lord fear yairof, our derrest foir grandschir and grandschir of maist noble Memorie, To ye Baillzeis, comburgessis and inhabitantis of our said burche, tenmentis and Landes, for ye tyme, And to yair Airis and Successouris in fre burgage and in few and heretage for euer; Quhilkis few forme js of ye dait ye fyftene day off november, ye zeir of god aboue expremit, authorizat, kepit, approwit and Inviolable obseruit be our haill predicessouris, Superiouris of our said burche, continuallie sen ye first fundatioun and erectione of ye Samyn, but ony interruptione: The Quhilk fundatione And erectioun of our said burche, with infeftment of fewforme, precept, Sesinges and all evidentes

* The three following words have been added afterwards by the original writer.

† Of the two seals, only one—that of Lord Kilmaurs—now remains attached. See it copied below.

past yairwpone, And all preueleges, liberteys and Co*m*moditeis grantit be vertew yairof, and co*n*tenit yairintill, We, for ws, our airis and Successouris, be ye tenno*u*r heirof Ratifeis, authoreis*is*, affirmis and apprevis in all pointis Conforme to ye tenno*u*r yairof and lowable consuetuid of our said burc*he* sen ye first fundatioun and erectioun of ye Samy*n*; And bindes and obleis*is* ws and our foirsaidis To keipe, obserue, warrand and defend our foirsaid burc*he* in fre burgage, wi*th* preuileges, liberteis and co*m*moditeis pertenin*g*e yairto, To ye foirsaid p*rese*nt ballzeis yairof and remanent comburgess*is* and heretoures of ye tennementis of ye Samy*n* and Landes pertenin*g*e yairvnto, And to yair Successoures for euer, Als frelie, in all and be all thinges, as is expressit in ye first fundatioun and Erectioun of ye Samy*n*, Renu*n*cand all plei and exceptioun of law in ye contrair; Wi*th* powar to ye p*rese*nt bailzeis of our said burc*he* and yair Successouris To gife sesinges of ye said said*is* tenement*is*, vpone our precept and our successour*is*, conforme to auld vsse and wont; SAIFEANDE AND RESERUANDE Newirtheles to ws, our airis and Successouris our zeirlie few maillis and dewiteis, serüice and vtheris dewiteis, prouisiones, and reseruationes specifiit and contenit in ye foirsaid first fundatioun of our said burc*he* and chartour of fewforme maid yairvpone, in all tymes cu*m*inge accordinge to ye tenno*u*r yairof; And for suyr kepinge, observinge, and fulfillinge of all and Sundrye ye premiss*is* We ar content and Consentis, yat yis p*rese*nt l*ett*re be reg*ist*rat and insert in The buikis of our Souerane Lordis counsall, vpone sex dayes warninge gife neid beis, and yat the lordis of counsall interpone yair aut*h*oriteis yairvnto in forme as effairis. IN WITNES of ye q*uhi*lk thinge, To yir p*rese*nt l*ett*res, subscryuit wi*th* our hand, our proper Seill js tohunge. At ye burc*he* of Irwin, ye fyft day of Januar, The zeir of god jaj v^{c} and fourscoir zeiris. Befoir thir witness*is*, hew cunyghame of Walterstowne, Adam cunyghame, young*er* of awinharvie; alex*and*er conyghame, burges of Irwin; Johne conyghame of ye hill.

James erle of glencarne.

Walterstoun.

Adam Cunygham as witnes.

Gawein nasmyth, notar, as witnes. &c.*

* The seal, which is still attached, is that of Alexander the predecessor of James.

V.—Charter of William.

OMNIBUS HANC CHARTAM visuris vel audituris GULIELMUS, Comes de Glencairne, dominus Kilmawres &c., Superior terrarum aliorumque infrascript*orum*, Salutem in Domino Sempiternam: Noveritis nos Ratificasse, approbasse, et hac p*rese*nti charta nostra Confirmasse, necnon tenore p*rese*ntium Ratificare, Approbare, et hac p*rese*nti charta nostra Confirmare, Chartam donationis et Concessionis, ffactam, datam et Concessam, per quondam Cuthbertum Cunynghame, comitem de Glencairne, et Gulielmum Cunynghame, militem, suum filium et heredem, ac dominum feodum et proprietarium terrarum earund*em*, personis inibi contentis, incolis ville de kilmawres, De Totis et integris Quinque libratis terrarum autiqui extentus ville er territorij de kilmawres cum pertinen*tibus*, Et extenden*tibus* et metan*tibus* cum terris de Schaw et Newlandis in parte orientali, ab una, Terris de Busbie ab occidentali, Terris de Langmure et Quhitrig in boreali, et terris prebendarijs in australi, partibus, ab altera, Jacen*tibus* in balliatu de Cunynghame et infra vicecomitatum de Air, Per S. D. N. Regem in Liberum burgum in baroniam, ad instantias dict*i* quondam Cuthberti, comitis de Glencairne, et Gulielmi Cunynghame, ejus filij, erect*is* et creat*is*, pro vt in charta sub magno sigillo dicti S. D. N. Regis, Prefatis quondam Cuthberto, comiti de Glencairne, et Gulielmo Cunnynghame, ejus filio, plenius continetur, vi*delicet*, vnicuique predict*orum* personarum in dicta charta mentionat*orum*, et heredibus suis, Quadragesimam partem earund*em* terrarum inter ipsos equaliter dividen*dam*, pro edificijs et policia, per ipsos et heredes suos in dicto burgo fiend*am* et observan*dam;* Tenen*dis* de predict*is* quondam Cuthberto, comite de Glencairne, et suo filio, eorumque successoribus, comitibus de Glencairne, ac dominis baronie de Kilmawres, in feudifirma et hereditate ac libero burgagio in baronia jmperpetuum, Pro a*n*nua solutione octuaginta mercarum vsualis monete regni scotie, vi*delicet*, quilibet eorum et heredum suorum Su*m*me duarum mercarum monete antedict*e* pro sua quadragesima parte earund*em* te*r*rarum ad duos anni terminos consuetos, festa, vi*delicet*, penthecostes et sancti martini in hieme, per equales portiones, nomine a*n*nualis redditus feudifirme tantum, Et prebendarijs ecclesie collegiate de kilmawres multurarum debit*arum* et consuet*arum* ad eorum molendinum, Secundum formam charte mortificationis et fundationis eorundum prebendariorum; Heredes tamen et successores dictorum burgen*sium* dicti burgi de kilmawres duplicabunt predict*am* feudifirmam pro suo primo introitu tantum; Et solvendi predict*is* quondam Comiti, et suo filio, eorumque successoribus Quatuor

mercas vsualis monete pro qualibet quadragesima parte terrarum * * pro duplicatione feudifirme, in primo introitu dictorum heredum tantum; dedata decimo quinto die mensis Novembris, anno domini millesimo quingentesimo vigesimo septimo; Vna cum precepto sasine desuper dat*o* et concess*o*, et sasina desuper sequen*te*, vna cum omnibus alijs chartis, preceptis sasinarum et sasinis desuper sequen*tibus*, alijsque scripturis, juribus, titulis et securitatibus quibuscunque, per dict*os* quondam Cuthbertum, comitem de Glencairne, et quondam Gulielmum ejus filium, seu per quondam Jacobum, Comitem de Glencairne, vel eorum aliquos, fact*is* et concess*is* jn favores burgensium et incolarum predict*i* burgi de Kilmawres, heredum suorum et successorum, de eodem burgo et terris supraspecificat*is* modo predict*is* erect*is*, libertatem et privilegium ejusd*em* de quibus datis, tenoribus seu contentis, eedem sint, IN OMNIBUS et singulis capitibus, punctis, clausulis, articulis, circumstantijs et conditionibus earund*em*; SALVIS et reservatis nobis et successoribus n*ost*ris antedictis juribus et servitijs terrarum, aliorumque supraspecificat*orum*, nobis et predecessoribus nostris, pro ijsdem ante hanc p*rese*ntem confirmationem solvi solitis et consuetis: Preterea volumus et concedimus, et pro nobis et successoribus nostris antedict*is* decernimus et ordinamus, quod hec nostra confirmatio est et erit tanti valoris et effectus pro possessione et gavisione t*er*rarum, aliorumque supramentionat*orum*, Ac si eadem ante obit*um* personarum suprascript*orum*, concessorum earund*em*, vel cui eedem conceduntur, vel ante sasinas per illos de ijsdem t*er*rarum alijsque supraspecificatis, sumptas, fact*a*, et concess*a* fuisset, non obstan*te* vllorum predict*orum* personarum, dict*arum* chartarum concessarum obit*u*, vel cui eedem conceduntur; Et, non obstan*tis* antedict*is* sasinis hactenus de ijsdem sumptis seu sumendis, cum quibus, omnibusque alijs erroribus, defectibus et jmpedimentis quibus cunque, que quovismodo contra validitatem predict*e* charte, aliarumque chartarum g*ener*aliter supramentionat*arum*, preceptorum sasinarum inibi contentorum, nec non sasinarum desuper sequen*tium*, vel hujus n*ost*re confirmationis suprascript*e*, obijci possint, nos dispensavimus, tenoreque p*rese*ntium jmperpetuum dispensamus, nec non nos volumus et concedimus, et pro nobis et successoribus nostris predict*is* decernimus et ordinamus, quod hec p*rese*ns confirmatio suprascript*a* est et erit tanti valoris, roboris et effectus, ac si predict*e* charte, precepta sasinarum, sasine desuper sequen*tes*, aliaque jura, titula et securitates, particulariter et generaliter supramentionat*e*, in hac p*resen*ti confirmatione ad longum de verbo in verbum insererentur, quamvis non ita inseruntur; cum quibus nos, pro nobis metipsis nostrisque successoribus suprascript*is*, dispensavimus, tenoreque p*rese*ntium jmperpetuum dispensamus. IN CUJUS REI TESTIMONIUM, p*rese*ntibus, (ex chyrographo Joannis hammiltoun, servitoris Joannis mudie signeto regio scribe,) manu nostra subscript*is*, Sigillum nostrum proprium est appensum. Apud Edinburgum, tertio die mennis Julij, Anno dominj millesimo Sexcentesimo

quadragesimo tertio: Coram his testibus, domino Gulielmo Cochrane de Cowdoun, milite; Joanne mudie, scriba; et Joanne ha*m*miltoun, ejus servitore; et d*omi*no Joanne Crawfuird de Kilbirny.

Glencairne.

J. Mudie, witnes.
Jo. Ha*m*miltoun, witnes.
W. Cochrane, witness.
Kilbirny, witness. *

VI.—Charter of John.

OMNIBUS HANC CARTAM visuris vel audituris, Joannes, Comes de Glencarne, Dominus Kilmaures, *et* Superior terrarum aliarumq*ue* subscriptarum: Noveritis nos Ratificasse, approbasse, et ha[n]c p*rese*nti Carta Nostra confirmasse, nec non tenore p*rese*ntium Ratificare, approbare, et hac p*rese*nti Carta nostra confirmare Cartam Donationis et concessionis, factam, datam et concessam, per quondam nobilem Dominum, Cuthbertum Cunynghame, Comitem de Glencarne, et quondam Willielmum Cunynghame, militem, suum filium et haeredem apparentem, ac Dominum feodi et proprietarium terrar*um* earund*em*, quibusdam personis inibi contentis et nominatis, tunc jncolis villae de Kilmaures, De totis et jntegris Quinq*ue* libratis terrarum antiqui extentus villae et territorij de Kilmaurs cum pertinen*tibus*, et extendent*ibus*, metant*ibus*, et limitant*ibus* cumt erris de Shaw et Neulands in parte orientali, ab una, Terris de Busbie ab occidentali, Terris de Langmuir et whitridge-in Boreali, et terris prebendarijs in australi, partibus, ab altera, Jacen*tibus* in Balliatu de Cunynghame et vicecomitatum de Air, per quondam S. D. N. Regem, Jacobum quintum, Dej gratia Regem Scotorum, In liberum burgum in Baronia, ad instantias dicti quondam Willielmi Cunyngham, ejus filij, erect*is* et creat*is*, pro ut in Carta sub magno Sigillo dicti S. D. N. Regis, prefatis quondam Cuthberto, Comiti de Glencarne, et dicto Willielmo Cunynghame, ejus filio, plenius continetur; vi*delicet* vnicuiq*ue* praedict*orum* personarum in dicta carta mentionat*orum*, et haeredibus suis, Quadragesimam partem earundem terrarum, equaliter inter ipsos dividen*dam*, pro aedificijs et policia, per ipsos et heredes suos in dicto burgo fien*dam* et observan*dam*; Tenend*is* de praedicto quondam Cuthberto Cunyngham, Comite

* No seal has been attached to this charter.

de Glencarne, et dicto suo filio, eorumq*ue* successoribus, Comitibus de Glencarne ac dominis Baroniae de Kilmaurs, in feudifirma et haereditate, ac libero burgagio in baronia in perpetuum, pro annua solutione octuaginta mercarum usualis monetae hujus Regni Scotiae, vi*delicet*, Cuilibet eorum et haeredium suorum Sum*m*ae duarum mercarum monetae antedictae pro sua quadragesima parte earund*em* terrarum, ad duos anni terminos consuetos, festa, vi*delicet*, pentecostes et Sancti Martini in hieme, per equales portiones, no*mine* annualis redditus fewdifirmae tantum, Et prebendarijs ecclesiae collegiate de kilmaurs multurarum debit*arum* et consuet*arum* ad eorum molendinum, secundum formam et tenorem Cartae mortifica*tio*nis et funda*tio*nis eorund*em* prebendariorum; Haeredes tamen et Successores dictorum burgensiu*m* dicti burgi de Kilmaurs duplicando dictam fewdifirmam re*spect*ive et proportionabiliter primo anno eorum introitus tantum, Et solvendo praedicto quondam comiti et suo filio antedicto eorumq*ue* successoribus quatuor mercas wsualis monetae praedictae pro qualibet quadragesima parte terrarum antedict*arum*, pro dicta duplica*tio*ne praescriptae fewdifirmae in dicto primo introitu dictorum haeredium tantum; de data decimo quinto die mensis Novembris, anno D*omi*ni millesimo quingentesimo vigesimo septimo; vna cum praecepto sasinae desuper dat*o* et concesso et Sasina desuper sequen*te*; vna etiam cum omnibus alijs Chartis, praeceptis sasinarum et sasinis desuper sequen*tibus*, alijsq*ue* scriptis, juribus, titulis et securitatibus quibuscunq*ue*, per dictum Cuthbertum, Comitem de Glencarne, et dictum quond*am* Willielmum, ejus filium, et per quondam Jacobum, Comitem de Glencarne, et quondam Willielmum, Comitem de Glencarne, nostrum patrem, vel eorum aliquos, fact*is* et concess*is* In favores burgensium et jncolarum praedicti burgi de Kilmaurs, haeredium suorum et successorum, de eodem burgo et terris supra specificatis modo praedict*is* erect*is*, libertate et privilegio ejusd*em*, de quibus datis, tenoribus seu contentis, eadem sint; In Omnibus et singulis capitib*us*, punctis, clausulis, articulis, circumstantijs et conditionibus earund*em*, Salva et reservata nobis heredibus et successoribus nostris antedictis, dicta fewdifirmae firma terrarum aliorumq*ue* supra specificat*orum*, duplica*tio*ne ijusdem re*spect*ive, ut praedictum est, In introitus haeredium et praedicessoribus nostris pro quanto p*rese*ntem confirma*tio*nem solvi solita et consueta: Ac Volumus et concedimus, ac pro nobis et succeessoribus nostris decernimus et ordinamus, quod haec nostra confirmatio est et erit tanti valoris et effectus pro possessione et gavisione terrarum, libertatum, aliorumq*ue* supra mentionat*orum*, ac si eadem ante obitum personarum supra mentionat*orum*, concessorum earund*em*, vel quibus eaedem conceduntur, vel ante sasinas per illos de ijsdem terrarum aliorumq*ue* supra specificat*orum*, sumptas, fact*a* et concess*a* fuisset; non obstant*e* vllorum praedict*orum* personarum, dictarum totarum concessorum, obit*u*, vel quibus eaedem conceduntur, et non obstant*is* antedictis sasinis hactenus de ijsdem sumptis vel su*m*endis, cum quibus, omnibusq*ue* alijs

erroribus, defectibus et jmpedim*ent*is quibuscunq*ue* quae quovismodo contra validitatem praedictae chartae, aliarumq*ue* cartarum particulariter et generaliter supramentionatarum, preceptorum sasinarum inibi contentorum aut separatim, nec non sasinarum desuper sequent*ium*, vel hujus nostrae confirma*tio*nis suprascript*ae* objici possint, nos dispensavimus, tenoreq*ue* p*resen*ti*um* in perpetuum dispensamus: Nec non nos pro nobis, heredibus et successoribus nostris, volumus et concedimus, decernimus et ordinamus, quod haec p*resen*s nostra confirmatio est et erit tanti valoris, roboris et effectus, ac si praedictae cartae, praecepta sasinarum, sasina desuper sequend*a*, aliaq*ue* jura et securitates particulariter et generaliter supramentionat*a* in hac p*resen*ti confirma*tio*ne ad longum de verbo in verbum inserentur, quamvis non ita inserunter, cum quibus nos pro nobis metipsis nostrisq*ue* haeredibus et successoribus dispensavimus, tenoreq*ue* p*resen*tium in perpetuum dispensamus. PRETEREA Noveritis nos, pro nobismetipsis heredibus et successoribus nostris antedictis, pro bonafideli et gratuito servitio nobis nostrisq*ue* predicessoribus multipliciter prestito per dilectos nostros ballivos, burgensis et jncolas, dicti burgi in Baronia de Kilmaurs, et pro diversis causis et considerationibus nos ad infrascripta moventibus, et pro quadam pecuniae sum*m*a nobis pereos persoluta, de qua sum*m*a nos bene contentos et satisfactos per presentes tenemur, cum plena exoneratione ijs ejusdem, De novo dedisse, concessisse, et ad fewdifirmam in libero burgagio dimississe et confirmasse, nec non per presentes dare, concedere, et ad feudifirmam in libero burgagio dimittere et confirmare, dilectis nostris Jacobo Smyth et Cuthberto Androe, Ballivis p*resen*tibus dicti burgi de Kilmaurs, Jacobo Cunyngham quondam ballivo, Joanni Smyth Cultellario, Alexandro Tempiltone agricolae, Carrolo Browne Coriario, Joanni Smyth seniori, Joanni Deane mercatori, Joanni Steal agricolae, Jacobo Androe cultellario, Willelmo Biggert agricolae, Roberto Tempiltone Sartori, Jacobo Cunynghame juniori mercatori, Roberto Smyth Cultellori, Roberto Dickie molendinario, Willielmo Steal Cultellori, Magistro Samueli Hendersone medico, Patricio Cunynghame apothecario, ffrederico Cunynghame filio legitimo dicti Jacobi Cunynghame quondam Ballivi, Mariae Cunynghame filiae legittimae etiam dicti Jacobi, Magistro Roberto Cunynghame artium magistro, Joanni Dickie notario, Joanni Tod apothecario, Roberto Harper agricolae, Joanni Smyth Juniori Cultellori, Joanni Watt agricolae, Jonetae Smyth filiae legittimae quondam [Robe]rti Smyth, Roberto Todd Cultellori, Jacobo Russel fabreferrario, Alexandro Armo*u*r agricolae, Jacobo Smyth Calciatori, Joanni Caulderwod Coriario, Joanni Caulderwod agricolae, Joanni Androe filio et heredi quondom Roberti Androe, Joanni Boyd mollendinario, Willielmo Broune textori, * * * * * * * * * * * p*resen*tibus burgensibus dicti burgi nostri de Kilmaurs, et jpsorum cuilibet, pro parte sua ut inferius specificatur, et eorum heredibus, successoribus et assignatis quibus-

cunq*ue* re*spect*ive et haereditarie, Totas et integras dictas quinq*ue* libratas terrarum antiqui extentus dictae quond*am* villae et territorij de Kilmaurs et nunc burgi jn Baronia ejusdem, cum Cottarijs, Com*m*unitatibus, communijs, et earund*em* pertinen*tibus* quibuscunq*ue*, Extendent*es*, et metant*es*, et limitant*es*, ut antedictum est, et Jacen in Baronia nostra de kilmaurs in Balliatu de Cunynghame et infra dictum vicecomitatem de Air, per dictum quondam S. D. N. Regem jn liberum burgum in Baronia, ad instantias dictorum nostrorum pregenitorum, erect*as* et creat*as* ut praedictum est, vi*delicet*, unicuiq*ue* eorum, et heredibus et assignatis suis, quadragesimam partem earundem terrarum inter ipsos equaliter divisam seu dividendam, pro aedificijs et polici, per ipsos eorumq*ue* antedict*os* in dicto burgo fien*dam* et observan*dam*; Ac cum privilegio, plena potestate et libera facultate, dicti burgi Ballivis, burgensibus et inhabitatoribus p*rese*ntibus et futuris ejusdem, emendi, vendendi et habendi, in dicto eorum burgo vinum, ceram, pannum, lanium et linium largum et strictum, et alia mercimonia quaecunq*ue*; Ac cum potestate et facultate habendi et tenendi in eodem burgo pistores, Brasiatores, carnifjces, piscium et carniu*m* venditores, et alios artifices quoscunq*ue* ad libertatem burgi in baronia spectan*tes*; Et cum privilegio et libertate etiam in dicto burgo habendi, creandi et jurandi, liberos burgenses, Et quod ijdem omni tempore futuro per presentes potestatem habebunt a*n*nuatim elegendi et creandi ballivos et caeteros officiarios neccessarios pro dicti burgi regimine et gubern*a*t*io*ne, Et qui potestatem etiam habebunt per presentes non solum ad premissa sed etiam pro regimine et gubern*a*t*io*ne cottariorum, commnitatum et communuum antedict*orum*, et ejusdem in omni tempore futuro more solito per ipsos eorumq*ue* successores; Ac in dicto burgo tenendi et habendi imperpetuum crucem feralem, et hebdomdatim die veneris liberum et publicum forum et nundinas a*n*nuatim in die Sanctorum Simonis et Judae et per octavas ejusdem, cum toloneis et libertatibus quibuscunq*ue* ad liberas nundinas spectan*tibus*, seu in futurum spectare valen*tibus*, aut ad eorum vnu*m* quaecunq*ue*; Vna cum omni jure, titulo, interesse juris, clameo, proprietate et possessione, tam petitorio quam possessorio, quae nos aut nostri predecessores aut successores, Comites de Glencarne aut domini Barrones dictae barroniae de Kilmaurs, habuimus, habemus, seu quovismodo habere, clamare seu pretendere, poterimus ad dictum burgum in baronia, libertates et privilegia ejusdem, Terras, domos, hortos, cottarios, co*m*munitates et co*m*munias, et earund*em* pertinen*tes*, infra limites et metas antedict*as*, aut ad aliquam partem seu portionem earundem, aut ad census, firmas, profituas et divorias ejusdem, de quibuscunq*ue* annis seu terminis praeteritis au futuris, ratione wardae, relevij, maritagij, non introitus, eshetae, vitalis redditus, forisfacturae, recognitionis, purpresturae, disclama*tio*nis, reductionis, nullitatis aut jmprobationis, infeofamentorum, sasinarum aliorumq*ue* scriptorum, burgi Baroniae, terrarum, libertatum aliorumq*ue* suprascriptorum,

alienat*ion*is totius aut majoris partis earund*em*, defectu confirmat*ion*is, minimae estensionis tentionum, aut mutationis earund*em*, non solutionis divoriarum et feudifirmae firmarum ex ijsdem debit*arum*, vel ob amissionem, perditionem aut non productionem, antiquarum evidentiarum dicti burgi baroniae, terrarum, libertatum aliorumque antedict*orum*, vel virtute quorumcunq*ue* actorum parliamenti, aliorum actorum, legum, statutorum seu constitutionum, hujus regni, vel virtute cujuscunq*ue* alius juris seu tituli, vel ob quamcunq*ue* aliam causam, factum seu occasionem, preteritam diem datae presentiu*m* praecedent*ium*, Renunciando, transferendo et extradonando, eadem, cum omni actione, instantia et lite, earundem, a nobis, heredibus nostris, successoribus et assignatis, antedict*is*, ad et in favorem praefatorum Ballivorum, burgensium et inhabitatorum, dicti burgi in baronia, pro nunc et imperpetuum, cum pacto de non petendo, et cum supplemento omniu*m* aliarum culparum, defectuum et imperfectionum quarumcunq*ue*, tam non nominat*arum* quam nominat*arum*, quae nos, pro nobis, heredibus et successoribus nostris, tanquam pro expressis in hac p*resen*ti carta nostra haberi volumus: TENENDAS ET HABENDAS praefatas terras quondam villae de Kilmaurs, nunc burgum in baronia ejusdem, cum dictis Cottarijs, communitatibus et com*m*unijs, et earund*em* pertinent*ijs*, et metan*tes* et limitan*tes* infra metas et limites antedict*as* ac jacen*tes* ut praemittitur, ac cum libertatibus, facultatibus et privilegijs, praefatis, Ballivis, burgensibus et jncolis dicti burgi in baronia nostra de Kilmaurs antedict*a*, et eorum heredibus, successoribus et assignatis, DE NOBIS, heredibus et successoribus nostris, Comitibus de Glencarne ac Dominis barronibus Barroniae de Kilmaurs, infeudifirma et hereditate ac libero burgagio in baronia imperpetuum; per omnes rectas metas suas antiquas et divisas, pro ut jacent, in longitudine et latitudine, in domibus, aedjficijs, hortis, boscis, planis, moris, maresijs, vijs, semitis, aquis, stagnis, rivolis, pratis, pascuis et pasturis, aucupationibus, venationibus, piscationibus, petarijs, turbarijs, carbonibus, carbonarijs, glebis, glebarijs, pomis, pomarijs, ustrinis, pistrinus, cuniculis, cunicularijs, columbis, columbarijs, lapicidijs, lapide et calce fabrilibus, brasinis, bruerijs, et genestis, silvis, nemoribus et virgultis, montibus et planis, terra arrabili et non arabili, Et cum curijs et earum exitibus, amerciamentis et eschetis earundem, Bloodijs et bloodiuitis pugnis, ac cum potestate et privilegio transgressores et delinquentes puniendi, secundum statuta legum burgorum, et nullo modo subditi ad curias dicti Comitis ejusq*ue* successorum, Et cum com*m*uni pastura, liberoq*ue* introitu et exitu, ac cum mollendinis, multuris et eorum sequelis, Et cum omnibus alijs et singulis libertatibus, com*m*oditatibus, profituis, asiamentis, ac justis suis pertinentijs quibuscunq*ue*, tam non nominatis quam nominatis, tam subtus terram quam supra terram, procul et prope, ad predictas terras, cum pertinentijs, spectan*tibus*, seu juste spectare valen*tibus* quomodolibet in futurum; et adeo libere, quiete, plenarie, honorifice, bene et in pace, in

omnibus et per omnia, sicut aliquae terrae infra hoc regnum Scotiae in liberum burgagium in baronia dantur, seu conceduntur, dari seu concedi poterint in futurum; et adeo libere et quiete ac honorifice ut dictum burgum in baronia per praefatum quondam S. D. N. Regem praefatis nostris progenitoribus, virtute suae Chartae erectionis dicti burgi in baronia, ad instantiam dictorum nostrorum progenitorum, erigitur et creatur: Ac Preterea nos, praefatus Joannes, Comes de Glencarne, d*ominu*s Kilmaurs &c., pro nobis, heredibus et successoribus nostris, annullamus, inhibemus, et tenore p*resen*tiu*m* disclamamus, omnem wsum et exercitium emendi, vendendi, brasiandi seu brasium faciendi, et cujuslibet artis alterius artificialis, v*idelicet*, Sutorum, Schissorum, fullonum, pillariorum, carpentariorum et lanistarum, exercendi seu occupandi infra dictam nostram baroniam de Kilmaurs, Preterqua*m* in dicto nostro burgo in baronia, et intra libertatem ejusdem, v*idelicet*, infra limites dictaru*m* quinq*ue* libratarum terrarum suprascripta*rum*: IGITUR omnia et singula bona venalia seu vendenda, v*idelicet*, farina, hordeum, braseum, frumentum, linum, lana, oves, boves, equi, carne, pisces, et quascunq*ue* alia mercantia in dicta baronia omnibus temporibus affuturis, primo presentabuntur foro com*m*uni in dicto nostro burgo in baronia antedict*a*; Et si contingat inhabitatores dictae nostrae baroniae de Kilmaurs, seu eorum aliquem, devenire in contrariu*m* praemissorum, in toto vel in parte, v*idelicet*, vendendo, emendo, seu quemcunq*ue* artem vel exercitium artificiale, ut supra prohibitum, extra libertatem dicti burgi nostri Exercendo, Tunc licebit Ballivos et Burgen*sibus* suprascript*is*, et eorum heredibus et successoribus, ad requiren*dum* officiarium dictae nostrae baroniae de Kilmaurs ad naman*dum* et distringen*dum* quemcunq*ue* transgressorem seu transgressores, et eorum bona, pro sum*m*a sex solidarum et octo denariorum monetae predictae hujus regni Scotiae, nomine paene primo, secundo et tertio, Et si sic ter districta non desinant, ad confiscandum et eschetan*dum* omnia bona ipsorum transgredien*tium*, Et si officiarius dictae nostrae baroniae praemissa facere et recusaverit, volumus pro nobis, heredibus et successoribus nostris, quod officiarius dicti burgi nostri jn baronia plenaria*m* potestatem habeat in praemissis; Ac etiam tenore p*resen*tium firmiter obligamus nos, heredes nostros et successores, ad fortificandum, supplendum, manu tenendum, dictos ballivos et comburgensis, heredos suos et successores, juraq*ue* et libertates, dicti burgi nostri in baronia in praemissis, Ac in omnibus suis actionibus et causis justis et licitis et honestis contra quoscunq*ue*, et coram quibuscunq*ue* motis seu movendis; Et volumus tamen pro nobis, heredibus et successoribus nostris, quod nullus Ballivus nec burgensis dicti nostri burgi habeat seu possideat plura quam duo Tenementa in eadem tantum: REDDENDO inde a*n*nuatim praefati Ballivi, burgenses et inhabitatores, dicti burgi in baronia, v*idelicet*, praefatae personae superius nominatae, et heredes, successores et assignati, seu inhabitan*tes* dictum burgum nostrum de Kilmaurs, nobis, prefato Joanni, Comiti de Glencarne,

Domino de Kilmaurs, heredibus et successoribus nostris, Dominis Baronibus dictae baroniae nostrae, vel ullis alijs securitatem aut jus a nobis habentibus, Su*m*mam octuaginta mercarum usualis monetae hujus regni Scotiae antedictae, vi*delicet*, quilibet ipsorum et heredes sui su*m*mam duarum mercarum monetae antedictae, pro sua quadragesima parte earundem terrarum, ad duos anni terminos consuetos, festa, vi*delicet*, Pentecostes et Sancti Martini in hieme, per equales portiones, no*min*e annualis redditus feudifirmae tantu*m*, Et Prebendarijs dictae ecclesiae collegiatae de kilmaurs multuras debitas et censuetas ad eorum molendinum, Secundum formam Chartae mortifica*tio*nis et funda*tio*nis eorunde*m* prebendariorum; Heredes tamen et successores dictorum Ballivorum, burgensium et inhabitatorum, dicti burgi duplicando feudifirmam predictam pro suo primo introitu tantum, Solven*do* nobis, heredibus et successoribus nostris, et alijs suprascript*is*, quatuor mercarum monetae predictae, pro qualibet quadragesima parte terraru*m* antedictarum, pro duplica*tio*ne feudifirmae, in primo introitu dictorum heredum tantum, pro omni alio onere, exactione, questione, demanda seu servitio seculari, quod de dictis burgo in baronia terris, libertatibus alijsq*ue* supra repititis cum pertent*ijs* per quoscunq*ue* inde juste exigi poterint in futurum vel requiri; Ac si contingat dictos ballivos, burgenses et inhabitatores dicti burgi in Baronia, eorum heredes vel successores, molestari, vexari, seu turbari, contra tenorem p*rese*ntiu*m*, sic quod non possunt pacifice possidere dictum burgum et terras ejusde*m*, et eas inhabitare, cum privelegujs, juribus, cottarias, co*m*munitates et co*m*munias et ejusdem pertinen*tia* suprascrip*ta*, jn hoc casu obligamus nos, heredes nostros et successores, per presentes, ad exonerand*um* et quiete clamandum dictos ballivos, burgenses et inhabitatores, et eorum heredes et successores, de decem libris annuatim annualis redditus feudifirmae suprascriptae, a*n*nuatim et quolibet anno, quamdiu contigerit dictos ballivos, burgenses et inhabitatores, dicti burgi in baronia, vel eorum heredes et successores, molestari, vexari et perturbari, ut premittitur: Et nos vero, Joannes, Comes de Glencarne, dominus de kilmaurs &c., heredes, assignati et successores, nostri, totum et integrum dictum burgum in baronia de kilmaurs, ac dictas quinq*ue* libratas terrarum dicti burgi nostri de kilmaurs, libertates aliaq*ue* earunde*m* suprascripta, antedictis personis, Ballivis, burgensibus et inhabitatoribus ejusdem, et eorum heredibus et successoribus, in dicto libero burgagio in baronia, ut praedictum est, et pro nobis, heredibus et successoribus nostris dictis, dominis et Baronibus de kilmaurs, warrandizabimus et quietabimus, et presentis Cartae tenore, imperpetuum defendemus. Insuper dilectis nostris * * * * * *.
ac ve*st*rum cuilibet, conjunctim et divisim, Ballivis nostris in hac parte specialiter constitutis, Salutem, vobis precipimus et firmiter mandamus quatenus visis p*rese*ntibus judicate Statum et sasinam, aut realem, actualem et corporalem possessionem, Totius et integri dicti burgi in baronia cum libertatibus, privilegijs,

*com*moditatibus, cottarijs, co*m*munitatibus et co*m*munijs ejusdem antedictis, praefatis ballivis presentibus, pro se metipsis et nominibus dictorum burgensium et inhabitatorum dicti burgi, eorumq*ue* successorum in perpetuum, per traditionem et deliber*ati*onem * * * nec non statum et sasinam hereditariam, realem, actualem et corporalem p*ossessi*onem, Totarum et jntegrarum praedictarum quinq*ue* libratarum terrarum antiqui extentus dictae quondam villae et nunc burgi in baronia de kilmaurs, cum pertinen*tijs*, extenden*tium* metan*tium*, limitan*tium* et jacen*tium*, ut predictum est, prenominatis personis, et ipsorum cuilibet pro parte sua, pro semetipsis et eorum heredibus et assignatis, vi*delicet*, unicuiq*ue* ipsorum quadragesimae partis earundem terrarum inter ipsos equaliter divisae, et ut nunc possidentur, et ut in feudifirma de p*resen*ti locantur, vel eorum actornato vel actornatis, latori seu latoribus p*resen*tium, per traditionem et deliber*ati*onem terrae et lapidis fundi dictarum terrarum, Secundum formam et tenorem suprascriptae nostrae Cartae et p*resen*tis precepti sasinae, juste tradatis et deliberatis et haberi faciatis, sine delatione, Et hoc nullo modo omittatis: Ad quod faciendum, vobis et v*est*rum cuilibet conjunctim et divisim, Ballivis nostris in hac parte antedictis, nostram plenariam et jrrevocabilem tenore p*resen*tium co*m*mittimus potestatem. In Cujus rei testimonium p*resen*tibus (chirographo Adami Simsone, Notarij in dicto burgo de kilmaurs) manu nostra subscript*is*, Sigillum nostrum est appensum. Apud * Locum de finlastone, die mensis Nov*embris* Decimo Quinto, anno D*omi*nj millesimo sexcentesimo septuagesimo, Coram his testibus, Magistro Cunynghame, Willielmo Cunynghame, filio quond*am* * Cunynghame de skuloche; Magistro Willielmo ffergusone, Patricio Ramsay et Jacobo Reoche, servitoribus nostris.

Glencarne.

Patricke Ramsey, witnes.

Wm. ffergussoune, wittnes.

W. Cunynghame, witnes.

James reoch, wittnes. †

* What follows here has been afterwards written, but apparently by the same hand.

† There has been no seal attached to this Charter.

VII.—Sasine By John.

In Dej nomine, Amen: per hoc p*resens* publicum instrumentum Cunctis pateat evidenter, et sit notum, Quod anno Incarnationis Domini millesimo sexcentesimo Septuagesimo, mensis vero Decembris die vigesimo octavo, Regniq*ue* S. D. N. Caroli secundi, dei gratia magnae brittanniae, ffranciae et hiberniae, regis, fideiq*ue* defensoris, anno vigesimo secundo, In mei notarij publici testiumq*ue* subscript*orum* p*resen*tijs personaliter Comparuerunt super solum et fundum terrarum et integrarum quinq*ue* libratarum quondam villae et nu[nc] burgi in Baronia de Kilmaurs, erect*arum* et creat*arum*, bondant*ium* ut in Carta subscript*a* specificat*ur*, jacent*ium* in Balliatu de Cunyngbame et infra vicecomitatum de Air, Providi et discreti viri, Cuthbertus Androe et Jacobus Smyth, ballivi p*resen*tes de Kilmaurs, pro semetipsis et actornati pro et nominibus personarum subscriptarum, pro eorum singulis interesse, p*resen*tium burgensium dicti burgi de Kilmaurs in Carta subscript*a* particulariter mentionat*orum*; Et ibidem habentes, eorumq*ue* in manibus tenentes, quandam Cartam, sasinae praeceptum subiusertum, factam, datam et concessam, per nobilem et potentem comitem, Joannem, comitem de Glencarne, &c., dominum de Kilmaurs, praedictis Cuthberto Androe et Jacobo Smyth, et nominibus burgensium et inhabitatorum subscript*orum*, alijsq*ue* personis subscript*is* eorumq*ue* haeredibus et successoribus re*spectiv*e, haereditarie, De totis et integris dictis quinq*ue* libratis terrarum antiqui extentus dictae quondam villae ea territorij de kilmaurs et in burgo in Baronia ejusd*em*, cum cottarijs, communitatibus, communijs et earund*em* pertinent*ijs* quibuscunq*ue*, extendent*ibus*, metant*ibus*, limitant*ibus* et jacent*ibus*, ut infrascript*um*; Quamquidem cartam, sasinae praeceptum in dicta carta continent*em*, dicti actornati, pro semetipsis et nominibus quibus supra et subscript*is*, discreto vero, Joanni young, Portionario de ashingzard,* Ballivo dicti nobilis Comitis in hac parte, in dicto sasinae praecepto specialiter nominato et constituto, praesentaverunt et deliberaverunt, Eumq*ue* requiren*tes* q*uaten*us hujusmodi praecepti mandatum debite executioni secundum ejusdem tenorem poneret et demandaret: Quivero ballivus in hac parte antedict*us* dictam cartam praeceptumq*ue* sasinae subscript*um* ut dictum est in se continent*em*, a manibus dictorum Cuthberti Androe et Jacobi Smyth, cum reverentia qua decuit recepit, mihiq*ue*, notario publico subscribenti, perlegend*a*, publicand*a* et in vulgari exponend*a*, tradidit, Cujus cartae et sasinae praecepti tenor sequitur sub hac verborum forma et est talis:† . . . . .

* This word has been afterwards inserted in the same hand.

† Here the preceding Charter (VI) is recited word for word, with the exception that "Joanni Young portionario de Ashingyard" is here inserted (afterwards, in the same hand,) in the Precept of Sasine in place of the blank in the original; and that the subscriptions are recited thus:—"Sic subscribitur: Glencarne, Mr. W. fergusoune witnes, Wm. Cunynghame witnes, James Reoch witnes, Patrick Ramsay witnes."

Post Cujusquidem cartae praeceptique Sasinae supra inserti in eadem continentis perlecturam publicationem et in vulgari expositionem, ut dictum est, praefatus Joannes Young, Ballivus in hac parte praescriptus, virtute et vigore dicti praecepti suique officij balliatus sibi in hac parte commissi, statum et sasinam actualem, realem et corporalem, Totius et integri dicti burgi in Baronia, cum libertatibus, privilegijs, commoditatibus, cottarijs, communitatibus et communijs ejusdem, Praefatis Cuthberto Androe et Jacobo Smyth, Ballivis presentibus, pro se metipsis et nominibus dictorum burgensiúm et inhabitatorum dicti burgi de Kilmaurs, per traditionem et deliberationem * * * Nec non statum et sasinam hereditariam, actualem et corporalem possessionem, Totarum et Integrarum praedictarum quinque libratarum terrarum antiqui extentus dictae quondam villae et nunc burgi in Baronia de kilmaurs, cum pertinentijs, extendentium, metantium, Limitantium et Jacentium, ut praedictum est, Praenominatis Cuthberto Androe et Jacobo Smyth, Ballivis presentibus dicti burgi de Kilmaurs, Jacobo Cunynghame ibi quondam ballivo, Joanni Smyth Cultellario, Alexandro Tempiltone Agricolae, Carolo Broune Coriario, Joanni Smyth seniori, Joanni Deane Mercatori, Joanni Steal Agricolae, Jacobo Androe Cultellario, [Willielmo*] Biggert Agricolae, Roberto Tempiltone sartori, Jacobo Cunynghame juniori mercatori, Roberto Smyth Cultellori, Roberto Dickie molendinario, Willielmo Steal Cultellario, Magistro Samueli Hendersone medico, Patricio Cunynghame Apothecario, ffrederico Cunynghame filio Legittimo dicti Jacobi Cunynghame ballivi, Mariae Cunnynghame filiae Legittimae etiam dicti Jacobi, Magistro Roberto Cunynghame artium Magistro, Joanni Dickie notario, Joanni Tod apothecario, Roberto harper Agricolae, Joanni Smyth juniori Cultellori, Joanni Watt Agricolae, Jonetae Smyth filiae legittimae quondam Roberti Smyth, Roberto Tod Cultellori, Jacobo Russel fabreferrario, Alexandro Armour agricolae, Jacobo Smyth calciatori, Joanni Calderwod coriario, Joanni Calderwod agricolae, Joanni Andro filio et haeredi quondam Roberti Androe, Joanni Boyd molendinario, Willielmo Broune textori, * * * * * * * * * *

* presentibus burgensibus dicti burgi de Kilmaurs, Et ipsorum cuilibet, pro parte sua, pro se metipsis, videlicet, unicuique ipsorum quadragesimae partis earundem terrarum, inter ipsos equaliter divisam, ut nunc possidentur, et ut in feudifirma de presenti Locantur, per traditionem et deliberationem terrae et lapidis fundi dictarum terrarum respective jn manibus dictorum Cuthberti Androe et Jacobi Smyth, pro semetipsis, et actornati, pro et nominibus quibus supra, (de cujus actornati potestate mihi notario publico et testibus subscriptis lucide sonstabat,) secundum formam et tenorem suprascriptae cartae, et presentis praecepti sasinae in se continentis, in omnibus suis punctis, dedit, traditit et

* Illegible from the vellum being frayed.

deliberavit; Super quibus omnibus et singulis praemiss*is* praefati Cuthbertus Andro et Jacobus Smyth, Ballivi, metipsis, et actornati pro et nominibus quibus supra, A me, notario publico subscribente, ipsis fieri petierunt hoc p*rese*ns publicum instrumentum unum seu plura. Acta erant haec super solum et fundum praedictarum terrarum, horam circiter nonam antemeridiem, sub anno, die mensis, Regisq*ue* ,regno, quibus supra: P*rese*ntibus ibidem discretis viris, Arthuro Thomsone, Alexandro Strang, mercatoribus et inhabitatoribus dicti burgi de Kilmaurs, Petro Thomsone farinario, Roberto Wallace calciario, Joanne Broune ac Roberto Mongomrey cultell*ari*o, omnibus etiam inhabitatoribus dicti burgi, cum diversis alijs testibus ad praemissa rogatis et requisitis.

[Notarial Signature.]

Et ego vero Adamus Simsone, notarius publicus Glasguensis diocesis, auc*tori*tate regali ac per dominos concili et sessionis, secundum acti parliamenti tenorem, admissus, Quia praemissis in omnibus et singulis dum sic ut praemittitur dicerentur, agerentur et fierent, vna cum praenominatis testibus, p*rese*ns personaliter interfui, Eaq*ue* omnia et singula sic fieri vidi, scivi et audivi, ac in notam cepi, Ideoq*ue* hoc p*rese*ns publicum instrumentum, manu mea fideliter scriptum, exinde confeci, Signoq*ue* no*mine* et cogno*mine* mes solitis et consuetis signavi et subscripsi, jn fidem et testi-

DEUM TIME

monium veritatis omnium et singulorum praemissorum, rogatus et requisitus.

At the burgh of Air, the Fyft day of January Jaj. vjc & seventie ane yeires, The Jnstrument of Seasing above written, presented be James Smith, baillie of Kilmaures, Is registrat Conforme to the act of parliament, Vpon the 513-514-515-516-517 and 518 leaffes of the second book of the Clerk Register his register of Evidents within the Sherrifdome of Air, Be me Charles Dalrymple, Clerk Deput thairto.

CS. Dalrymple.

SUBJOINED ARE

TRANSLATIONS OF CHARTERS I., II., AND III.;

BEING THOSE OF

Erection and Foundation, and Precept of Sasine following,

WITH

COPIES OF SEAL AND SUBSCRIPTIONS

ATTACHED THERETO;

ALSO,

COPY OF SEAL REFERRED TO AT PAGE 8.

I.—Charter of Erection.

JAMES, by the Grace of God King of Scots, to all worthy men everywhere, both clergy and laity, Greeting: Know, that for the special favour which we bear to our dear cousin and counsellor, Cuthbert, Earl of Glencarne, Lord Kilmawaris, and for buildings and policy to be made in the town of Kilmawaris for the comfort and entertainment of our lieges resorting to the same, we have made and created, and by the tenour of our present Charter make and create the foresaid lands and town of Kilmawaris, with pertinents, lying within our sheriffdom of Aire, into a free burgh and barony for ever; and to the inhabitants of the said burgh, present and future, we have granted, and by these presents do grant the full power and free faculty of buying and selling in the same wine, ware, bread, wool, and linen broad and narrow, and other merchandise whatsoever, with power and faculty of having and keeping in the same burgh, bakers, malsters, fleshers, sellers of fish and flesh, and other tradesmen whatsoever belonging to the liberty of a burgh in barony; also, we have granted, and by the tenour of these presents do grant, that the burgesses may be free in the foresaid burgh, and that they have in all time coming the power of electing annually bailies and other necessary officers whatsoever for the rule and government of the said burgh, with power to the burgesses and inhabitants of the said burgh of having and holding in the same for ever a weekly market on Friday, and a free fair yearly, on the day of S.S. Simon and Jude, and during the week of the same, with the tolls and liberties belonging, or that may in time coming belong to free fairs; with power and license to our cousin foresaid, and to his heirs, of feuing in whole or in part the foresaid lands in hereditary burghal holdings for reparation and building to be done upon the same; To have and to hold the foresaid lands and town of Kilmawaris, with pertinents, in free burgh and barony in all time coming, with the privileges, liberties, and grants above expressed, and with all other liberties, possessions, facilities, and just pertinents whatsoever belonging, or that may rightly belong to a free burgh in barony; and as freely as any burgh in barony feued by us or our predecessors within our kingdom, without any recall, obstacle, contradiction, or impediment whatsoever. In testimony of which we have commanded our great seal to be affixed to this our present

Charter before these witnesses—the very reverend and reverend fathers in Christ, James, Archbishop of St. Andrews; Gavin, Archbishop of Glasgow; George, Bishop of Dunkeld; Gavin, Bishop of Aberdeen, our Clerk-Register; Henry, Bishop of Whitehouse and of our royal chapel at Stirling; our dear cousins, Archibald, Earl of Angus, Lord Douglas; James, Earl of Arran, Lord Hamilton; Colin, Earl of Argyle, Lord Campbell and Lorne; the venerable fathers in Christ, Patrick, Prior of the metropolitan church of St. Andrews; William, Abbot of our monastery of the Holy Cross at Edinburgh; our dear friends, Archibald Douglas, Provost of Edinburgh, our Treasurer; James Colville of Ochiltree, keeper of the rolls and director of our chancellary; and Magister Thomas Erskine of Haltoun, our Secretary: At Edinburgh, the second day of June, in the year of our Lord, one thousand, five hundred and twenty-seven, and of our reign the fourteenth.

First proclamation at Irvine.—Witnesses: James Boyd, John Houstoun, senior; John Kyll, William Muir, John Blak of Southwik. 22nd June.

Second proclamation at Ayr.—Witnesses: Leonard Clark, Thomas Myl, John M'Cormek, John Cunyngham, John Kennidy, Archibald Clark, and many others. 30th June.

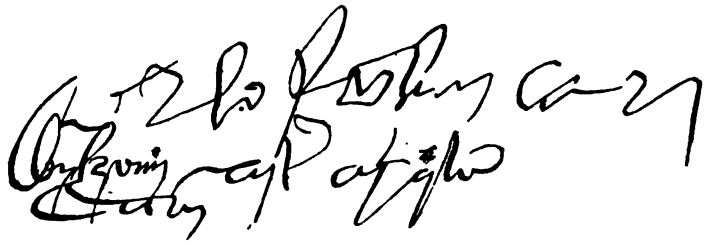
II.—Charter of Foundation.

TO all by whom this Charter shall be seen or heard, Cuthbert Cunynghame, Earl of Glencarne, and lord of the free tenement of Kilmawrs, &c., and William Cunynghame, knight, our son and heir, and lord fear and proprietor of the said lands,—Wit ye us with one consent and assent to have given, granted, and as feufarm in free burgage have demitted and confirmed, and by these presents, give, grant, and as feufarm in free burgage demit and confirm to our loveds,—Robert Cunynghame of Akcat, Alexander Langmur, Sir Robert Adamsone, Alexander Cunynghame, Patrick Wile, Thomas Goddy, John Boyd, Archibald Cumyne, John Walcare, Thomas Boyd, freemason; Rankin Broun, Master Robert Hommyltoun, Margaret Crag, Thomas Tod, Alan Marchand, John Marchand, Stephen Harpar, Sir John Houe, Sir William Gluuer, Sir Robert Berclaye, Andrew Jhonsoun, John Or, Robert Cunynghame, William Harpar, James Or, Adam Cumyne, Thomas Hommyll, Thomas Boyd, Edward Smyth, Robert Spere, Robert Loudoun, John Biggart,

Andrew Loudoun, Patrick Douok, John Blak, Robert Petcon, * *
Hugh Nicholl, James Murdoch, * * * * and to each one of them for his part as specified below, All and Whole the five pound lands of old extent of the town and territory of Kilmawrs with the pertinents extending and bounding on the one hand with the lands of Schau and Neulands on the east, with the lands of Busby on the west, the lands of Langmur and Quhitrig on the north, and the church lands on the south, on the other, lying in the bailiary of Cunynghame and sheriffdom of Air, lately erected and created a free burgh in barony at our instance by our sovereign lord the King, as in his Charter under his great seal formerly perfected is more fully contained, to wit, to each one of them, and their heirs, the fortieth part of these lands, divided equally among them, for buildings and policy by them and their heirs in the said burgh to be made and kept: All and Whole the foresaid five pound lands of the town of Kilmawrs of old extent, with the pertinents: To be holden and to hold by the foresaid persons above mentioned, and their heirs, as said is, of us and our successors, Earls of Glencarne, and lords baron of Kilmawrs, in feufarm and heritage, and in free burgage in barony for ever; in all their old rights, bounds, and marches, as they lie in length and breadth, in thickets, plains, moors, marshes, roads, paths, waters, stanks, streams, meadows, pasture and pasturages, hawkings, huntings, fishings, peat-mosses, turf-diggings, coals, coal-heughs, glebes, glebe lands, gardens, fruits, orchards, houses and buildings, kilns, barns, rabbits, rabbit warrens, pigeons, dovecots, quarries, stone and chalk, smithies, corn-kilns, breweries, and furze, woods, groves and hedges, hills and plains, arable and waste land, with courts and their rents, amerceaments, and escheats thereof, and with common pasturage, and free exit and entry, with mills, multures, and their fines, and with all and every other liberty, commodity, profit, and easment, and all just pertinents thereof whatsoever, both unnamed and named, both under the earth and above the earth, far and near, with the pertinents to the foresaid lands belonging, or that may in any way justly be known to belong in time coming; and as freely, quietly, fully, honourably, well, and in peace in all things, as any other lands within the kingdom of Scotland in free burgage in barony are given or granted, or that may be given or granted in time coming. Moreover, we, Earl Cuthbert and William, lord feear aforesaid for us, our heirs, and successors, exoner, annul, inhibit, and by the tenor of these presents disclaim altogether the practice and profit of buying selling, malting, or making malt, and of exercising or engaging in any other artificial work whatsoever, to wit, of shoemakers, tailors, fullers, skinners, carpenters, and woolworkers within our barony of Kilmawrs, except in the said burgh in barony and within the liberty thereof, to wit, within the limits of the said five pound lands above-mentioned:

Further, all and single the goods saleable or to be sold, to wit, meal, barley, malt, corn, flax, wool, sheep, oxen, horses, flesh, fish, and any other merchandise whatsoever in our said burgh, in all time coming shall first be presented in the common market place in our said burgh in barony aforesaid; and if it happen that the indwellers of our said barony of Kilmawrs, or any one of them, shall come in the contrary of these premises, in whole or in part, to wit, by buying, selling, or exercising any art or artificial occupation, as above prohibited, beyond the limits of our said burgh, then it shall be lawful for the com-burgesses above written and their successors to require the officer of our said barony of Kilmawrs to poynd and distrenzie whatever transgressor or transgressors and their goods for the sum of six shillings and eightpence, in name of penalty for the first, second and third time, and, if being thrice poynded they desist not, to confiscate and escheat all the goods of those transgressing; and if the officer of our said barony refuse to do these premises, we will, for us and our successors, that the officer of our said burgh in barony have full power in the premises, and in all their actions, and just, lawful, and honourable causes against whomsoever and before whomsoever moved or to be moved: We will, moreover, for us and our successors, that no burgess of our said burgh have or possess more than two tenements in the same only; and that no said burgess presume to dwell or reside beyond the liberty of the said burgh; and that no woman succeeding hereditarily in our said burgh shall contract marriage with any one whatever without our special license: For the yearly payment by the foresaid persons above named and their heirs, burgesses and indwellers of our said burgh of Kilmawrs, of eighty merks usual money of the kingdom of Scotland, to wit, by every one of them and his heirs the sum of two merks money aforesaid for his own fortieth part of these lands, at the two usual terms of the year, Whitsunday, and Martinmas in winter, by equal portions, in name of yearly rent of feufarm only, and to the prebenders of our college kirk of Kilmawrs the multures due and wont at their miln, according to the manner of the charter of mortification and foundation of the same prebenders; the heirs, moreover, and successors of the said burgesses of our said burgh shall double the foresaid feufarm for their first entry only, being paid to us and our successors two merks usual money for each fortieth part of the foresaid lands, for duplication of feufarm upon the first entry of the said heirs only, for every other burden, exaction, question, secular service, or demand which, of the said lands or of our burgh with the pertinents, by any one whatever can justly be exacted or required in time coming, and if it happen that the said burgesses, their heirs or successors, are molested, annoyed, or disturbed contrary to the tenor of these presents so that they cannot in peace possess the said lands, and dwell in the foresaid burgh, with the privileges, rights, and pertinents above

written, in this case we oblige our heirs and successors by these presents to exoner and quit-claim the said burgesses and their heirs, of ten pounds yearly of the yearly rent of feufarm above written, yearly and every year as long as it shall happen that the said burgesses or their heirs are molested, annoyed, or disturbed as said is. And further, we, the said Cuthbert, earl aforesaid, and William Cunynghame, our son and heir and lord fear aforesaid, all and whole the foresaid five pound lands of our burgh of Kilmawrs, with their pertinents, to the foresaid persons above expressed and their successors in free burgage in barony for us and our successors, lords and barons of Kilmawrs, will warrant, acquit, and, by the tenor of this present charter, defend. In testimony of which thing our seals are attached to this our present Charter, along with our manual subscriptions, at Glasgow, the 15th day of November, in the year of our Lord one thousand, five hundred and twenty-seven, before these witnesses, namely: Master Christopher Boyd, Vicar of Dalry; Alexander Haimmyltoun, James Cunynghame, William Caldwell, Patrick Mowat, lords; Alan Knox and James Craufurd, notaries public; with divers others.



Autographs of Cuthbert and William, attached to Charter No. II.—(See p. 5.)

III.—Original Precept of Sasine.

CUTHBERT, Earl of Glencairne and lord of Kilmawris, &c., and William Cunynghame, knight, our son and heir apparent, of the same fief, to our beloved William Langmur, Robert Millar, Allan Merchand, John Blak, our bailies in this part, conjunctly and severally constituted, Greeting: Whereas we have given and granted in feuform to honourable persons, namely: Robert Cunynghame of Ackat, Alexander Langmur, Sir Robert Adamson, Alexander Cunynghame, Patrick Wily, Thomas Goddy, John Boyd, Archibald Cumyng, John Walcar, Thomas Boyd, freemason; Rankan Broun, * * Margaret Crag, Thomas Todd, Alan Merchand, Stephen Harper, Sir John Howy, Sir William Gluwer, Sir Robert Berclay, Andrew Johnstoun, John Hore, Robert Cunynghame, William Harper, James Hore, Adam Cumyn, Thomas Hommyll, Thomas Boyd, Edward Smyth, Robert Speir, Robert Lowdoun, John Biggart, Andrew Lowdoun, Patrick Dowok, John Blak, Robert Petcon, John Armour, Hugh Nicholl, James Murdoch, William Horr, * * and to each one of them for their own part as specified below, All and Whole the five pound lands of old extent of the town and territory of Kylmawris with pertinents lying within the bailliary of Cunynghame and sheriffdom of Are; that is to say, to each of them and their heirs the fortieth part of these lands to be divided equally among them for buildings and policy, to be made and kept by them and their heirs in the said burgh, as is more fully contained in our great Charter thereupon made to them: Therefore we charge and command you, and each of you, bearer of these presents, or one or other of you, forthwith to give to the foresaid persons above named, or to their certified procurators or attorneys, hereditary state and sasine and real actual possession by tradition of earth and stone of the soil, as the custom is, of all and whole the foresaid five pound lands of the burgh and territory of the town of Kilmawris; and we charge and command you further, that as soon as the said lands shall have been divided equally among the foresaid persons, that you, or one or other of you, forthwith give to each one of them, without delay, hereditary state and sasine, as well as real, actual, and corporal possession as above, by tradition of earth and stone, as the custom is, of his own fortieth part; and that you deliver this according to the tenor of our Charter thereupon granted and to be granted

to them: To do which we, by the tenor of these presents, commit to you, and to each of you conjunctly and severally, our full and irrevocable power. In testimony of which our seals are appended to these presents, along with our manual subscriptions. At Glasgow, the fifteenth day of the month of November, in the year of our Lord one thousand, five hundred and twenty-seven.

Seal of Lord Kilmaurs, attached to Charter No. III.—(See p. 7.)

Charter No. IV.

[*January 5th, 1580.*]

Seal of Alexander, attached to Charter No. IV.—(See p. 8.)

Kilmarnock: Printed by M'Kie & Drennan, 2 King Street.